

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KELLY M. PHETTEPLACE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 2:23-cv-11799

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING REPORT AND RECOMMENDATION [17],  
DENYING COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT [14],  
AND GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [12]**

The Commissioner of the Social Security Administration ("SSA") denied the application of Plaintiff Kelly Phetteplace for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). ECF 7-1, PgID 34. After the SSA Appeals Council declined to review the ruling, Plaintiff appealed. *Id.* at 23. The Court referred the matter to Magistrate Judge Anthony P. Patti, and the parties cross-moved for summary judgment. ECF 12; 14. The magistrate judge issued a Report and Recommendation ("Report") suggesting the Court grant Plaintiff Phetteplace's motion and deny the Commissioner's motion. ECF 17.

Rule 72(b) governs review of a magistrate judge's report and recommendation. *See* Fed. R. Civ. P. 72(b). De novo review of the magistrate judge's findings is required only if the parties "serve and file specific written objections to the proposed findings

and recommendations.” *Id.* Because neither party filed objections, de novo review of the Report’s conclusions is not required. After reviewing the record, the Court finds that the magistrate judge’s conclusions are factually based and legally sound. Accordingly, the Court will adopt the Report’s findings, deny the Commissioner’s motion for summary judgment, and grant Plaintiff’s motion for summary judgment.

**WHEREFORE**, it is hereby **ORDERED** that the magistrate judge’s Report and Recommendation [17] is **ADOPTED**.

**IT IS FURTHER ORDERED** that the Commissioner’s Motion for Summary Judgment [14] is **DENIED**.

**IT IS FURTHER ORDERED** that Phetteplace’s Motion for Summary Judgment [12] is **GRANTED**.

**IT IS FURTHER ORDERED** that this case is **REMANDED** to the Commissioner for further proceedings.

This is a final order that closes the case.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: September 17, 2024